

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

United States of America,

Plaintiff/Respondent,

v.

Michael Anthony Clark,

Case No. 05-80810

Honorable Sean F. Cox

Magistrate Judge Mona K. Majzoub

Defendant/Petitioner.

ORDER ADOPTING
REPORT AND RECOMMENDATION

Currently before the Court is Petitioner Michael Anthony Clark's ("Petitioner") Motion to Vacate, Set Aside or Correct Sentence pursuant to 28 U.S.C. § 2255 (Doc. # 627), Amended Motion to Vacate (Doc. # 655), Second Amended Motion to Vacate (Doc. # 659 at 2-11), Supplemental Motion to Vacate (Doc. # 663), Motion for Evidentiary Hearing (Doc. # 649), Motions for Discovery and Inspection (Doc. # 650, 672, and 681), Motion for Appointment of Counsel (Doc. # 658), and Motions for Liberal Construction of Pleading (Doc. # 659 at 1, 674). Petitioner's motions have subsequently been referred to Magistrate Judge Mona K. Majzoub. (Doc. # 630, 654, 657, 661, 664, 675, and 682) pursuant to 28 U.S.C. § 636(b)(1)(A) and (B).

On February 21, 2017, Magistrate Judge Majzoub issued a Report and Recommendation ("R&R"), wherein she recommended that Petitioner's Motion to Vacate, Set Aside or Correct Sentence pursuant to 28 U.S.C. § 2255 (Doc. # 627), Amended Motion to Vacate (Doc. # 655), Second Amended Motion to Vacate (Doc. # 659 at 2-11), Supplemental Motion to Vacate (Doc. # 663), Motion for Evidentiary Hearing (Doc. # 649), and Motions for Discovery and Inspection

(Doc. # 650, 672, and 681) be **DENIED**. (Doc. # 683, R&R at 2). In light of Magistrate Judge Majzoub's recommendations, she concluded that Petitioner's remaining motions—Motion for Appointment of Counsel (Doc. # 658) and Motions for the Liberal Construction of Pleading (Doc. # 659 at 1 and 674)—should be **DENIED as moot**. (*Id.*).

Pursuant to 28 U.S.C. § 636(b)(1) and E.D. Mich. LR 72.1(d)(2), a party objecting to the recommended disposition of a matter by a Magistrate Judge must file objections to the R&R within fourteen (14) days after being served with a copy of the R&R. “The district judge to whom the case is assigned shall make a *de novo* determination upon the record, or after additional evidence, of any portion of the magistrate judge's disposition to which specific written objection has been made.” *Id.*

Here, the time for filing objections to the R&R has expired and the docket reflects that neither party has filed objections to the R&R. The Court hereby **ADOPTS** the February 21, 2017 R&R. **IT IS FURTHER ORDERED** that Petitioner's 28 U.S.C. § 2255 Motions to Vacate (Doc. # 627, 655, 659, and 663) are **DENIED**.

IT IS SO ORDERED.

Dated: March 17, 2017

s/Sean F. Cox
Sean F. Cox
U. S. District Judge

I hereby certify that on March 17, 2017, the foregoing document was served on counsel of record via electronic means and upon Michael Anthony Clark via First Class mail at the address below:

Michael Anthony Clark 28321039
Federal Correctional Institution
P.O. Box 23811
Tucson, AZ 85734-8111

s/J. McCoy
Case Manager